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September 23, 2005

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U.S. DISTRICT COURT E.D.N.Y.
★ SEP 27 2005 ★

VIA ELECTRONIC FILING

Magistrate Judge Joan M. Azrack
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

P.M. _____
TIME A.M. _____

Re: *Dunkin' Donuts Incorporated, et al. v. Eighth Zeet Food Corp., et al.*
No. CV-04-4474 (FB)(JMA)

Dear Magistrate Azrack,

The parties, through their respective counsel, respectfully request that the dates set forth in your minute order dated March 16, 2005 (Doc. 18), setting forth the schedule for this matter, be amended so that all deadlines are continued by sixty days as set forth below:

| | |
|---------------------------------|-------------------|
| Fact Discovery | November 28, 2005 |
| Disclosure of Experts | December 21, 2005 |
| Disclosure of Rebuttal Experts | January 20, 2006 |
| Dispositive Motion Applications | March 29, 2006 |

In support of this request, the parties state that they have commenced discovery but have been in serious settlement negotiations and anticipate finalizing a settlement in the near term. Although the parties have been working in good faith to finalize a highly complex settlement agreement and expect the case to settle, in an abundance of caution, they request a sixty day continuance in the event that the case does not settle. A continuance will allow the parties time to settle and conserve judicial resources, as well as allow the parties to avoid unnecessary legal costs while they attempt to resolve the matter.

MOVANT'S COUNSEL IS REQUESTED
TO SERVE A COPY OF THIS ORDER
ON ALL PARTIES UPON RECEIPT

Application
Granted

9-26-05